THE MADRAS LEGISLATIVE ASSEMBLY

Wednesday, 5th November 1952.

The House met in the Assembly Chamber, Government Estate, Mount Road, Madras, at half-past ten of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

MR. SPEAKER:—"The Hon. Minister for Education is not keeping good health. So, the questions on to-day's agenda relating to his department, namely, questions Nos. 21 and 47, will be taken up to-morrow."

Rules under Article 166 (3) of the Constitution.

* 51 *Q.*—SRI T. VISWANATHAM: Will the Hon. the Chief Minister be pleased to state—

(*a*) whether rules under Article 166 (3) of the Constitution have been made; and

(*b*) if so, whether a copy of the same will be placed on the table of the House?

THE HON. SRI C. RAJAGOPALACHARI:—"(*a*) & (*b*) Yes. Sir. Rules for the transaction of Government Business have been made in exercise of the powers conferred by Article 166 (3) of the Constitution. They are intended for official use in the Secretariat and are treated as confidential and cannot be placed on the table of the House."

SRI T. VISWANATHAM:—"Sir, may I know whether the fact that the Constitution prescribes that the rules shall be made does not also imply that the rules cannot be treated as confidential?"

THE HON. SRI C. RAJAGOPALACHARI:—"The mere fact that an Act has to be done under the Constitution, I respectfully beg leave to believe, does not imply that it must be treated as public. For instance, the Governor has to do certain things; the Ministers have to give advice and so on. We need not assume that everything is to be treated as public and not confidential. I think we should follow the present practice."

SRI PILLALAMARRI VENKATESWARLU:—"ప్రస్తుతం అమలులో ఉన్న ప్రాక్టీసు కేవలం పాత 1935 వ సం॥ ఆక్టు ప్రకారం ఉన్నందువల్ల కొత్త చట్టాలను అనుసరించి క్రొత్త ప్రాక్టీసును ఆచరణలోనికి తీసుకొని రావడంలోని అవసరాన్ని ప్రధానమంత్రిగారు గుర్తిస్తారా?"

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THE HON. SRI C. RAJAGOPALACHARI:—" The entire Constitution, if the hon. Gentleman will study it, is very much like the 1935 Act."

SRI T. VISWANATHAM:—" May I draw the attention of the Hon. the Chief Minister to the language of Article 166, clause (3) of the Constitution? The rules relate, I submit, only to business other than that in respect of which the Governor is by or under this Constitution required to act in his discretion. In other words, these rules are in respect of business which is not the concern of the Governor. May I ask the Hon. the Chief Minister whether he will concede the point that the public have got a right, in their dealings with the Ministry and individual Ministers, to know what the rules of business are, whom they should approach for a particular matter, and what rights and remedies they have, and that it is a constitutional right and that, therefore, the rules cannot be treated as confidential? "

THE HON. SRI C. RAJAGOPALACHARI:—" The point urged by the hon. the Leader of the Opposition will be duly examined. But I am afraid that if any such thing is insisted on, there will have to be two sets of business rules. To-day there is only one set. It is quite possible that we may have a public set of rules and another for internal discipline and the like. The matter will, however, be examined."

SRI V. BALAKRISHNAN:—" When the Constitution itself is public, how could the rules, which arise from it, be secret? "

MR. SPEAKER:—" The hon. Member may give notice of a separate question."

Representations from the Government servants regarding house rent allowance.

* 52 Q.—SRI M. NARAYANA NAMBIAR: Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government have received representations from the Government servants at Hosdrug in South Kanara district requesting the Government to extend the concession of house rent allowance to Hosdrug; and

(b) if so, whether any and what steps the Government have taken in the matter?

THE HON. SRI C. SUBRAMANIAM:—" (a) Yes.

" (b) The question is under the consideration of the Government."

Co-operative cattle breeding societies, Cuddapah district.

* 53 Q.—SRI P. VENKATASUBBIAH: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the scheme of improving livestock by organizing cattle-breeding co-operative societies in Cuddapah district is considered by the Government to be a success;